

**IN THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN  
DISTRICT OF OHIO EASTERN  
DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**BRADLEY WEITZEL,**

**Defendant.**

)  
) **CASE NO: 4:19-cr-206**  
)  
) **Judge Dan Aaron Polster**  
)  
) **OPINION AND ORDER**  
)  
)  
)

**MEMORANDUM**

Before the Court is Defendant Bradley Weitzel's Motion for Compassionate Release, **Doc #: 194**. Weitzel is serving an 18-month sentence for conspiracy to distribute cocaine and cocaine base in violation of 21 U.S.C. § 846. According to the Bureau of Prisons's inmate locator tool, Weitzel is being held at Federal Correctional Institute Elkton and has an expected release date of December 28, 2020. Weitzel asserts that he will be released to a halfway house in September 2020. Doc #: 194.

Weitzel now asks the Court for compassionate release under 18 U.S.C. § 3582(c)(1)(A).

*Id.* The Court cannot reach the substance of Weitzel's Motion.

A court may consider a motion for compassionate release upon:

[M]otion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier . . . .

18 U.S.C. § 3582(c)(1)(A).

Weitzel does not claim to have satisfied this exhaustion requirement. And this Court previously has concluded the exhaustion requirement in § 3582(c)(1)(A) is mandatory and not waivable or subject to discretion. *See, e.g., United States v. Allen*, No. 1:19-cr-98-10, 2020 WL 1878774, at \*1 (N.D. Ohio Apr. 15, 2020) (citing *Ross v. Blake*, 136 S. Ct. 1850, 1857 (2016)) (“Mandatory exhaustion statutes . . . establish mandatory exhaustion regimes, foreclosing judicial discretion.”).

Accordingly, the Court cannot review Weitzel’s Motion, **Doc #: 194**, and therefore it is **DENIED**.

**IT IS SO ORDERED.**

/s/ *Dan Aaron Polster* May 22, 2020

**Dan Aaron Polster**  
**United States District Judge**